

# The Construction and Efficiency Improvement of Mediation System Based on the Characteristics of the Corps—A Case Study of the 8th Division of Shihezi City

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**Abstract.** Mediation work is a crucial means of maintaining harmony, stability, and long-term peace in the Corps. It is characterized by “mutual compromise and harmonious resolution.” Guided by Xi Jinping’s Thought on Socialism with Chinese Characteristics for a New Era, and closely aligning with the spirit of the 20th National Congress of the Communist Party of China and the Party Central Committee’s decisions on promoting Corps reform and development, this report conducts research on the mediation work in the 8th Division of Shihezi City. It outlines the construction and operation of the mediation system consisting of the Division-level People’s Mediation, the Reclamation Area People’s Mediation, and the Regiment Street Town People’s Mediation. Furthermore, it analyzes the current problems and causes in the mediation work of the 8th Division of Shihezi City and proposes improvement measures. The aim is to deepen the understanding of the regularity of the Party’s theoretical innovation, enhance the “Four Consciousnesses,” strengthen the “Four Confidences,” achieve the “Two Upholds,” and promote the construction of the rule of law and social governance innovation in the Corps. This contributes to the comprehensive construction of a socialist modernized country and the comprehensive advancement of the great rejuvenation of the Chinese nation.

**Keywords:** Mediation work, People’s Mediation, Judicial Mediation

## 1. Introduction

People’s mediation is a significant social governance method of the Party and the state, an essential aspect of socialist rule of law construction, a concrete manifestation of socialist core values, and an integral part of socialist democratic politics. <sup>1</sup>The report of the 20th National Congress of the Communist Party of China pointed out the need to “improve the diversified mediation system, strengthen the legal guarantees for grassroots social governance, and promote the socialization, legalization, intelligence, and specialization of grassroots governance.” <sup>2</sup>General Secretary Xi Jinping emphasized at the National Political and Legal Work Conference the importance of “strengthening people’s mediation work, promoting the construction of a diversified dispute resolution mechanism, and fostering social harmony and stability.” These important discourses and deployments provide direction, guidelines, and new era missions for people’s mediation work.

This report focuses on the 8th Division of Shihezi City as the research subject, conducting a comprehensive investigation and analysis of the current state of its mediation work. Various research methods were employed, including symposiums, personal interviews, on-site observations, and participation in work processes. Field visits were conducted to eight units, including the Shihezi City People’s Court, Shihezi City People’s Mediation Center, and Shihezi City Labor and Personnel Dispute Arbitration Institute, to understand the practice and exploration of mediation work within the Corps. The report analyzes the problems and causes within the mediation work and proposes targeted improvement measures.

<sup>1</sup> Xi, J. (2022, October 25). Hold High the Great Banner of Socialism with Chinese Characteristics and Strive for the Comprehensive Construction of a Modern Socialist Country—Report at the 20th National Congress of the Communist Party of China [Online].

<sup>2</sup> Xi, J. (2021, January 18). Speech at the National Conference on Political and Legal Work [Online].

## 2. Current Status of Mediation Work

Generally, mediation methods are categorized into people's mediation, administrative mediation, and judicial mediation based on the complexity of the disputes being resolved. Parties involved can choose an appropriate mediation method depending on the nature and complexity of the dispute as well as their own preferences to achieve timely resolution. People's mediation, administrative mediation, and judicial mediation are interconnected and mutually supportive, forming a tiered system that filters and resolves disputes progressively. The 8th Division of Shihezi City has a total of 491 people's mediation committees. These include one division-level joint people's mediation committee, 20 regiment (street, town) mediation committees, 317 company (village) mediation committees, 125 community mediation committees, 8 enterprise and institution mediation committees, and 20 specialized industry mediation committees. The mediation system in the 8th Division of Shihezi City can be divided into three levels: division-level people's mediation, reclamation area people's mediation, and regiment street town people's mediation.

### 2.1. Division-Level People's Mediation

The division-level people's mediation in the 8th Division of Shihezi City is centered around the People's Mediation Center under the jurisdiction of the Shihezi City Bureau of Justice. Community People's Mediation Committees primarily handle the detection and resolution of minor disputes, while more complex cases are referred to the People's Mediation Center. There is an overlap between administrative mediation and people's mediation in the 8th Division of Shihezi City, creating a situation where they are interwoven. For instance, the People's Mediation Center of the 8th Division of Shihezi City, as a mediation body of the Bureau of Justice, effectively performs the mediation functions of the Bureau of Justice. The People's Mediation Center of the 8th Division of Shihezi City has established 10 specialized industry-specific people's mediation committees, each formed in collaboration with relevant administrative agencies or social organizations. For example, the Commercial Mediation Committee is jointly established with the Federation of Industry and Commerce. Through such cooperation, a "Mediation Expert Database" has been created, consisting of industry experts from universities, courts, procuratorates, and the Human Resources and Social Security Bureau, providing guidance for specialized mediation work. In the field of judicial mediation, the courts conduct basic pre-trial and in-trial mediations. One aspect of this is the "One Community, One Judge" initiative, where designated judges regularly visit specific communities to guide community mediation committees in conducting people's mediation. Additionally, the grassroots People's Court of Shihezi is in the process of establishing mediation rooms.

### 2.2. Reclamation Area People's Mediation

The Corps reclamation areas, which carry out the responsibilities of counties, have established judicial bureaus and grassroots People's Courts among other agencies. The people's mediation in the reclamation areas is centered around the People's Mediation Center under the jurisdiction of the reclamation area judicial bureau. This center works closely with the grassroots People's Court and other agencies with people's mediation functions. Currently, each reclamation area people's mediation committee is equipped with at least two professional mediators and at least one on-duty lawyer. The people's mediation committees collaborate with administrative and judicial agencies to establish expert databases, enabling timely access to professional assistance on specialized issues.

### 2.3. Regiment, Street, and Town People's Mediation

Unlike the eastern regions where village and community people's mediation committees are central to mediation work, the 8th Division of Shihezi City's regiment-level people's mediation is centered around dispatched courts. When disputes are too complex for company mediation committees to resolve, judges coordinate mediation sessions involving the police, judicial bureau, two committees, and the comprehensive management office while delivering documents. This model aligns with the characteristics of the Corps, where no separate judicial bureaus or grassroots People's Courts are established within the regiments. The dispatched courts, possessing the strongest professional legal knowledge, serve as the primary legal institutions, and the regiments are often far apart and do not border each other. Company people's mediation committees are typically set up within company committees, with mediators often holding dual roles within the "two committees." Each community company has at least three mediators, though all serve part-time. The lack of professional mediators, the dispersed living conditions of workers, and the difficulties in seeking assistance from relevant reclamation area agencies mean that people's mediation at the regiment, street, and town levels in the 8th Division of Shihezi City is primarily conducted through dispatched courts.

### **3. Issues in Mediation Work**

#### **3.1. Insufficient Number of Full-Time Mediators**

Currently, the 8th Division of Shihezi City has 1,700 people's mediators, but only 34 of them are full-time mediators. Among these, 13 serve in the Shihezi City People's Mediation Committee, including 7 retired judges. The remaining 20 are assigned to regiment-level people's mediation committees.

#### **3.2. Limited Effectiveness of Part-Time Mediators**

Part-time mediators face several challenges. Firstly, they are often busy with their primary jobs and can only engage in mediation work during their spare time, leading to a lack of continuity and stability. Secondly, part-time mediators come from various sectors, including government officials, company secretaries, community committee members, grid leaders, team leaders, five elders, retirees, and veteran party members. Since these mediators serve concurrently in the People's Mediation Committee, their levels of legal expertise and mediation skills vary widely.

#### **3.3. Limited Impact of Professional Institutions in Mediation**

In the first half of 2023, the grassroots People's Court of Shihezi City received 11,000 cases, with each judge having to handle 300-400 cases on average. Given the high volume of cases, the lengthy time required for mediation, and a mediation success rate of 30%-40%, judges are less inclined to resolve cases through mediation, thus limiting the effectiveness of judicial mediation.

#### **3.4. Lack of Coordination among Mediation Forces**

There have been instances where courts could not provide judicial recognition of mediation agreements due to incomplete evidence or improper agreement signing procedures. Additionally, during the implementation of the "One Community, One Judge" initiative, some community mediation committees have deferred disputes, waiting for the judge's arrival to resolve them, thereby avoiding their own responsibilities.

#### **3.5. Ineffectiveness of Administrative Mediation Organizations**

Generally, administrative mediation work is led by the petition bureau. However, in the 8th Division of Shihezi City, administrative mediation is fragmented, lacking a leading agency to coordinate efforts. Administrative agencies with mediation functions operate independently without a unified approach, resulting in dispersed administrative mediation efforts.

### **4. Causes of Issues in Mediation Work**

#### **4.1. Inadequate Institutional Mechanisms**

Although the People's Mediation Center of the 8th Division of Shihezi City was officially established in 2019, achieving initial integration of mediation resources and establishing a preliminary mediation system, the construction of institutional mechanisms for coordination among various mediation forces, mediation work allocation, and the integration and utilization of social forces remains incomplete.

#### **4.2. Absence of a Corps-Specific Mediation System**

The unique geographical location and management mechanism of the Corps result in specific situations and conflicts, such as the relationship between the military and local areas, Corps transformation, and multiple entities involved in economic disputes. While the 8th Division of Shihezi City has established a mediation system, it resembles a generic system and lacks institutional mechanisms with Corps characteristics, hindering the practical mediation work.

#### **4.3. Insufficient Institutional Innovation in Team Building**

In terms of the construction of full-time mediator teams, recruitment primarily targets retired cadres from political and legal units, such as retired judges, prosecutors, and judicial bureau staff, or retired personnel engaged in organizational coordination, such as company secretaries and civil affairs bureau staff. However, the recruitment conditions for these "main force" personnel are stringent, with few individuals possessing such qualifications. Moreover, whether to sign a labor contract and become a full-time

mediator depends on the retirees' willingness. Simultaneously, a comprehensive system for training young full-time mediators, a "senior mentoring junior" training system, and a training system for newly appointed full-time mediators are not fully established. Overall, the compensation is relatively low<sup>3</sup>, making it challenging to attract recent graduates.

Regarding the incentive system for part-time mediators, while society-based part-time mediators resolving disputes may receive certain subsidies, most part-time mediators employed by organizations do not receive subsidies or any other incentive mechanisms. There is a lack of rewards for good performance and consequences for poor performance, leading to an inadequate motivational framework.

#### 4.4. Lack of Special Funds

Currently, the People's Government of the 8th Division of Shihezi City has not issued any specific documents to establish special funds for mediation work, nor has it given sufficient attention and priority to people's mediation. The existing funds can sustain the basic operation of the mediation system but are inadequate to implement a tender-based recruitment system for social mediators. As a result, a large number of social mediation resources remain underutilized.

### 5. Recommendations for Improving Mediation Work

#### 5.1. Enhance the Incentive System for Part-Time Mediators

Ensure the timely disbursement of subsidies for part-time mediators and improve the incentive system. In addition to considering the quantity of mediations, factors such as public satisfaction, mediation efficiency, and social impact should be taken into account. Subsidies should be increased for mediators with high public satisfaction and successful mediation outcomes. Furthermore, the primary employers of part-time mediators should incorporate mediation work into their performance assessment mechanisms, giving priority to individuals actively participating in people's mediation when evaluating performance.

#### 5.2. Strengthen the Construction of Full-Time Mediator Teams

In terms of mediator recruitment, strengthen connections with judicial organs such as courts, procuratorates, and judicial bureaus, paying close attention to retiring judicial personnel to bolster the core strength of the mediator team. Make full use of the professional expertise and abilities of retired judges and prosecutors in the full-time mediator team to guide other mediators in their work.

For recruiting young full-time mediators, enhance publicity to increase public awareness and understanding of mediation work. Actively collaborate with universities to provide internship opportunities for students and encourage their involvement in mediation work. Training for young full-time mediators should combine theory with practice, offering comprehensive and systematic legal training, mediation skills guidance, communication techniques, listening skills, problem identification and resolution skills, and conflict management skills tailored to various levels of conflict.

#### 5.3. Integrate Administrative Mediation Forces

In the mediation work of the 8th Division of Shihezi City, utilize specialized industry-specific people's mediation committees as a joint opportunity to further promote cooperation between professional organizations, units, and the People's Mediation Center. Establish a cooperative model for industry-specific people's mediation committees where mediators coordinate and professional personnel provide guidance. Encourage more units with administrative mediation functions to collaborate with the People's Mediation Center.

#### 5.4. Increase Investment in Mediation Work Funds

Firstly, improve the treatment of full-time mediators, increase the income of professional mediators, and attract recent university graduates to participate in mediation work. Secondly, allocate funds to enhance the training of part-time mediators, such as providing guidance books and inviting lawyers and university professors to conduct on-site guidance. Thirdly, strengthen the construction of mediation team service support platforms by investing in platform maintenance and improvement, facilitating voluntary sharing and case exchange. Fourthly, fully utilize social mediation resources by conducting tenders for conflict resolution mediator service procurement projects.

<sup>3</sup> In December 2022, the People's Mediation Center of the 143rd Regiment of the Eighth Division issued the "Recruitment Notice for Full-time Mediators in the 143rd Regiment," with a salary of 2000 yuan per person per month (excluding social security), and a case subsidy of 100 yuan for written mediation.

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